



**E-Verify**

# Quick Reference Guide

For E-Verify Enrollment

*May 2011*



U.S. Citizenship  
and Immigration  
Services

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## INTRODUCTION

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Welcome to E-Verify! Using E-Verify is an important step in ensuring that your company has a legal workforce by electronically confirming the information on Form I-9, Employment Eligibility Verification, referred to hereafter as Form I-9.

E-Verify is an Internet-based system operated by the U.S. Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA) that allows participating employers to electronically verify the employment eligibility of their newly hired employees and/or employees assigned to a covered federal contract.

We are here to support you and provide you and your company with the tools and understanding to get the most out of the benefits of E-Verify.

This guide is designed to assist you throughout the E-Verify enrollment and user registration process. We strive to make the enrollment and user registration processes easy for all users.

You may choose to use E-Verify throughout your company or limit your company's participation to certain locations. While you are free to choose E-Verify participation on a site-by-site basis, your company must use E-Verify for all newly hired employees and employees assigned to a covered federal contract at each participating site.

While E-Verify offers your company this flexibility, other laws and regulations may be more restrictive. In some states, companies are required to use E-Verify at all sites within that particular state. During enrollment, you'll need to enter the number of hiring sites in each state that will participate in E-Verify.

In addition, participation in E-Verify requires you follow program rules, which include a responsibility to treat your employees in a fair and non-discriminatory manner. Your employees also have specific rights associated with your participation in E-Verify.

### Company Enrollment

Before you can start using E-Verify, you need to enroll your company in the program. The term 'company' means any U.S. business, corporation, non-profit organization or government agency that is required to complete Form I-9.

Before you enroll, ensure that your company is not already enrolled in E-Verify. It is important that you do not enroll your company multiple times. If you attempt to enroll a company that is already enrolled in E-Verify, your enrollment will be delayed. Contact E-Verify Customer Support at 888-464-4218 for assistance or questions in determining your company's enrollment status.

Companies may use E-Verify through an access method determined during the enrollment process. The four access methods include: employer, E-Verify employer agent, corporate administrator and Web services. The access methods are explained in the 'Access Method – Overview.'

**NOTE:** For more information on corporate administrators, refer to 'Appendix A: Corporate Administrator Access.'

ACCESS METHOD OVERVIEW	
ACCESS METHOD	EXPLANATION
<b>Employer Access</b>	<p><b>My company plans to use E-Verify to verify its employees.</b></p> <p>Most E-Verify participants, regardless of their business size or structure, are registered under the employer access method. This access method allows a company to electronically verify the employment eligibility of its newly hired employees and/or employees assigned to a federal contract.</p>
<b>E-Verify Employer Agent Access</b>	<p><b>My company plans to use E-Verify on behalf of its clients to verify their employees.</b></p> <p>The E-Verify employer agent access method allows an individual or company to act on behalf of other companies to verify the employment eligibility of their newly hired employees and/or employees assigned to a federal contract.</p>
<b>Corporate Administrator Access</b>	<p><b>My company has a central office that needs to manage E-Verify use for all of its locations that access E-Verify.</b></p> <p>The corporate administrator access method is used only for managing multiple employer accounts and does not allow corporate administrator users to create and manage E-Verify cases.</p>
<b>Web Services Access for E-Verify Employer Agents</b> <b>-or-</b> <b>Web Services Access for Employers</b>	<p><b>My company plans to develop its own software to access E-Verify.</b></p> <p>The Web services access method requires a company to develop software that interfaces with E-Verify to perform employment eligibility verifications of newly hired employees and/or employees assigned to a federal contract. The company's software will extract data from its existing system or an electronic Form I-9 and transmit the information to E-Verify. If a company chooses this option, it is sent the Web services Interface Control Document. The Interface Control Document contains the information used to develop and test the software interface. Both E-Verify employer agents and employers are eligible to use this access method.</p>

To determine how your company will use E-Verify, it is important you understand how your company processes its employees' Forms I-9. Some things to consider include:

- Where do employees complete Form I-9?
- When do employees complete Form I-9?
- Does your company outsource Form I-9 processing?
- Does your company forward its Forms I-9 to a central location?
- Does each location where Form I-9 is completed have a computer with Internet access?

## User Registration

Enrolled companies can provide their employees access to E-Verify by assigning them user roles. Permissions and functions in E-Verify granted to the user depend upon the user role.

Every person who uses E-Verify within your company must be registered as either a program administrator or general user. Program administrators may register general users or other program administrators once they have completed the E-Verify online tutorial and passed the knowledge test. You will have the opportunity to register program administrators for your company during company enrollment. All registered E-Verify users must follow the guidelines set forth in the memorandum of understanding (MOU) and the rules and responsibilities outlined in the 'E-Verify User Manual For Employers' located at [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify) and the E-Verify tutorial. It is your company's responsibility to ensure that your users are prepared and capable of using E-Verify properly. Misuse of E-Verify may lead to legal liability for both the company and the user.

The 'User Role Overview' explains the features of each user role. The corporate administrator user role is available only to companies that enroll in the corporate administrator access method. For more information on corporate administrators, refer to 'Appendix A: Corporate Administrator Access.'

USER ROLE OVERVIEW	
USER ROLE	PERMISSIONS
<b>Program Administrator</b> (at least one required)	<p>A company must have at least one program administrator. The program administrator role includes functions of a general user.</p> <p>Permissions include:</p> <ul style="list-style-type: none"> <li>▪ Registering new users</li> <li>▪ Creating user accounts for other program administrators and general users</li> <li>▪ Creating E-Verify cases</li> <li>▪ Viewing reports</li> <li>▪ Updating profile information for other program administrators and general users</li> <li>▪ Resetting user passwords</li> </ul>
<b>General User</b> (optional)	<p>A company may have as many general users as it desires but is not required to have general users. The general user is responsible for following all E-Verify program rules and staying informed of changes to E-Verify policies and procedures.</p> <p>Permissions include:</p> <ul style="list-style-type: none"> <li>▪ Creating E-Verify cases</li> <li>▪ Viewing reports</li> <li>▪ Updating his/her own user profile</li> </ul>
<b>Corporate Administrator</b>	<p>The corporate administrator role is limited to a select group responsible for managing multiple company accounts from a central location. Corporate administrators cannot create E-Verify cases.</p> <p>Permissions include:</p> <ul style="list-style-type: none"> <li>▪ Registering and administering company sites and user accounts</li> <li>▪ Resetting user passwords</li> <li>▪ Viewing reports for multiple company locations</li> </ul>

## Enrollment vs. Registration

The 'Enrollment vs. Registration Overview' explains the differences between company enrollment and user registration in E-Verify.

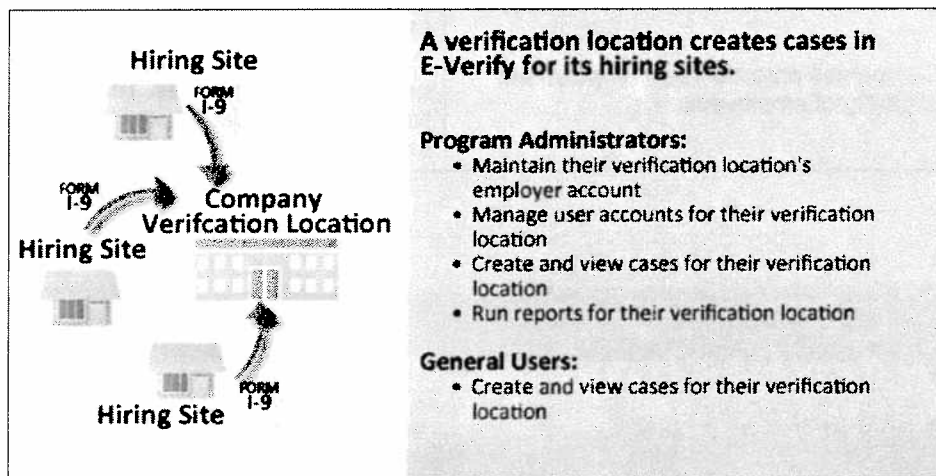
ENROLLMENT VS. REGISTRATION OVERVIEW		
	Enrollment	Registration
<b>Who</b>	Companies enroll in E-Verify to participate in the program.	Program administrators register new users in E-Verify who are then able to create cases.
<b>How</b>	Visit the E-Verify enrollment website at <a href="https://e-verify.uscis.gov/enroll">https://e-verify.uscis.gov/enroll</a> to enroll.	Program administrators may register general users and additional program administrators at any time after completing the E-Verify tutorial and passing the knowledge test. For more information on adding new users, review the 'E-Verify User Manual for Employers.'
<b>Why</b>	Companies enroll to verify employment eligibility of employees.	Most enrolled companies have more than one person who uses E-Verify to create verification cases. There is no limit on the number of users an enrolled company may register to create cases.

## Verification Locations and Hiring Sites

It is important to know the meaning of a verification location, a hiring site and the differences between the two. For a description of each, review the 'Verification Location – Hiring Site – Overview.'

### VERIFICATION LOCATION – HIRING SITE – OVERVIEW

- Verification locations are locations where registered users create E-Verify cases. Typically, a verification location is where your company's human resources staff takes the information from an employee's Form I-9 and creates a case in E-Verify. If your company has staff members at each location who use E-Verify, then each location is considered a verification location. Alternatively, if your company centralizes the use of E-Verify and creates cases from one location, then only that one location is considered a verification location.
- Hiring sites are locations where your company's employees are hired. Typically, a hiring site is where an employee completes Form I-9. If your company creates cases in E-Verify at that location, it is a verification location and a hiring site.



**Example:** Kevin owns a furniture store in Springfield. His employees complete their Forms I-9 at the store, and Kevin plans to use the computer at the store to use E-Verify.

In this case, Kevin will enroll in the E-Verify employer access method, and he has a single verification location and hiring site, both of which are the furniture store.

**Example:** Rebecca owns three restaurants, two in Georgia and one in Florida. In addition, Rebecca runs the business operations of these restaurants from a small office in Florida with its own staff. When her restaurant managers hire a new employee, the manager and the employee complete the Form I-9 on site at the restaurant. The manager then forwards the Form I-9 to Rebecca's central office. Rebecca plans to have her office staff create the E-Verify cases.

In this case, Rebecca will enroll in the E-Verify employer access method and designate her central office as the verification location and the two restaurants in Georgia and two



restaurants in Florida as hiring sites. (The central office counts as a hiring site because Rebecca hires staff members there as well.)

## ENROLLMENT

### Enrollment Checklist

Deciding to enroll is the first step toward supporting a legal workforce. While E-Verify is a powerful tool that can help you ensure a legal workforce, you must use it properly. Participating in E-Verify carries important responsibilities and obligations to treat employees fairly and in a non-discriminatory manner.

Visit the E-Verify enrollment website at <https://e-verify.uscis.gov/enroll> to get started. E-Verify will guide you through the enrollment process by asking you several questions. Refer to the 'Enrollment Checklist' below to ensure you have all of the information you will need to prepare for these questions and complete the enrollment process.

The enrollment process must happen in a single website session, so ensure you have time to complete the process. You will not be able to save your enrollment-in-progress and return at a later time to complete it.

#### ENROLLMENT CHECKLIST

##### Before you enroll, you must decide:

- ☐ Who will electronically sign the E-Verify memorandum of understanding (MOU) on behalf of your company?
- ☐ Which hiring sites will participate in E-Verify?
- ☐ If you are a federal contractor with the FAR E-Verify clause, which employees will you verify?
- ☐ Which company location(s) will access E-Verify?
- ☐ Who in your company will have access to E-Verify?
- ☐ Who in your company should be a program administrator?

##### To enroll, you will need to know:

- ☐ Contact information for your company's E-Verify memorandum of understanding (MOU) signatory (name, phone number, fax number and e-mail address)
- ☐ Company name
- ☐ 'Doing business as' name (optional)
- ☐ Data Universal Numbering System (DUNS) number (optional)
- ☐ The physical address of the location from which your company will access E-Verify (including county)
- ☐ Company mailing address (if different from the physical address)
- ☐ Employer identification number (also called a Federal Tax ID Number)
- ☐ Total number of employees for all of your company's hiring sites that will participate in E-Verify (you'll choose from a range of numbers)
- ☐ Parent organization (optional)
- ☐ Administrator name (E-Verify corporate account) (optional)
- ☐ The first three digits of your company's primary North American Industry Classification System (NAICS) code (if you don't know it, we'll help you find it when you enroll)
- ☐ The number of hiring sites that will participate in E-Verify in each state

## ENROLLMENT CHECKLIST

**For all registered users, you must provide:**

- ☐ Name
- ☐ Phone number
- ☐ Fax number (optional)
- ☐ E-mail address

 Each screen provides additional information simply by clicking any help text symbol. 

## Enrollment Process

When you enroll your company, you need to share some basic information and agree to follow the rules of E-Verify. You will enroll your company just once and, after you do, you can register yourself and others to use E-Verify. See the 'Enrollment Process – Overview' below along with the explanation of each step in the process. Additionally, E-Verify provides an instructional video, 'How to Enroll in E-Verify' which is available at [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify).

## ENROLLMENT PROCESS – OVERVIEW

1. Visit enrollment website, accept and agree to E-Verify enrollment terms and review checklist.
2. Determine access method by answering four yes/no questions.
3. Review and confirm access method.
4. Select your organization designation.
5. Review, acknowledge and agree to the E-Verify memorandum of understanding (MOU).
6. Electronically sign the MOU.
7. Enter company details.
8. Enter or select North American Industry Classification System (NAICS) code.
9. Provide hiring site information.
10. Register E-Verify program administrator(s).
11. Review and certify information.
12. Print electronically signed MOU.

### 1. VISIT ENROLLMENT WEBSITE, ACCEPT TERMS AND REVIEW CHECKLIST.

Access E-Verify enrollment at <https://e-verify.uscis.gov/enroll>. You must read and agree to the terms explained on the page and check the box indicating your agreement before you click 'Continue.' Then review the enrollment checklist and be sure you have all of the required information before you click 'Begin E-Verify Enrollment.'

## 2. DETERMINE ACCESS METHOD.

An access method provides companies with the ability to perform different functions within E-Verify. The four access methods are called employer, E-Verify employer agent, corporate administrator and Web services. An E-Verify employer agent was previously called designated agent.

E-Verify will guide you through four questions to help determine which access method is right for your company. Read the information on this page carefully, because errors here can delay us in approving your company's enrollment. Answer all four questions and click 'Next' at the bottom of the page.

The 'Enrollment Quick Reference Overview' lists the different ways a company might use E-Verify along with the accompanying access method and instructions on how to answer the enrollment questions.

Enrollment Quick Reference Overview		
My Company	Access Method	Enrollment Answers
Needs to verify the employment eligibility of our employees.	= <b>Employer</b>	Question 1 = Yes Question 2 = No Question 3 = No Question 4 = No
Needs to verify the employment eligibility of our employees. <b>and</b> Has a central office that needs to oversee E-Verify use at more than one location.	= <b>Corporate Administrator</b>	Question 1 = Yes Question 2 = No Question 3 = Yes Question 4 = No
Needs to verify the employment eligibility of our employees. <b>and/or</b> Needs to verify employment eligibility on behalf of our client companies.	= <b>E-Verify Employer Agent</b>	Question 1 = Yes or No Question 2 = Yes Question 3 = No Question 4 = No
Needs to verify the employment eligibility of our employees. <b>and</b> Plans to develop our own software to access E-Verify	= <b>Web Services for Employers</b>	Question 1 = Yes Question 2 = No Question 3 = No Question 4 = Yes
Needs to verify the employment eligibility of our employees. <b>and/ or</b> Needs to verify employment eligibility on behalf of our client companies. <b>and</b> Plans to develop our own software to access E-Verify	= <b>Web Services for E-Verify Employer Agents</b>	Question 1 = Yes or No Question 2 = Yes Question 3 = No Question 4 = Yes

### 3. REVIEW AND CONFIRM ACCESS METHOD.

E-Verify gives you an opportunity to review your enrollment answers and to confirm that the access method selected fits your company's needs. If everything looks correct, click 'Next.'

**E-Verify Employment Eligibility Verification**

**E-Verify Enrollment: Let's Review**

Please review the information you provided during enrollment. If you need to make changes, click the 'Back' button.

Question	Your Answer
1. Do you have a contract with a federal agency or contractor?	Yes
2. Do you have a contract with a state or local government?	No
3. Do you have a contract with a federal contractor?	No
4. Do you have a contract with a federal contractor?	No

Please select your organization's Employer Access Method:

- ☐ I am a federal contractor or subcontractor.
- ☐ I am a state or local government employee.
- ☐ I am a federal contractor or subcontractor.
- ☐ I am a federal contractor or subcontractor.

Please select your organization's Employer Access Method:

### 4. SELECT YOUR ORGANIZATION DESIGNATION.

Many types of organizations, from large federal agencies to small local businesses, use E-Verify. Choosing the right category for your organization ensures that we provide you with the right information you need to use E-Verify. Identify whether your organization is part of the federal government, state government, local government, or a federal contractor with or without the FAR E-Verify clause. If your organization does not fall within any of these categories, select 'None of these categories apply.'

You may change your organization designation at any time by updating your company profile in E-Verify.

**E-Verify Employment Eligibility Verification**

**E-Verify Enrollment: Organization Designation**

Please select the organization type that best describes your organization:

- ☐ Federal Government
- ☐ State Government
- ☐ Local Government
- ☐ Federal Contractor
- ☐ State Contractor
- ☐ Local Contractor
- ☐ None of these categories apply

Please select your organization's Employer Access Method:

## 5. REVIEW AND AGREE TO THE MOU.

Review your company's obligations as explained in the MOU and indicate that you agree with the terms. Your agreement includes both the company and each user. It is your responsibility to ensure that the company and its users understand E-Verify rules and responsibilities.

The MOU is a legal document that an authorized representative of your company must sign. Typically, the MOU signatory is a business owner, company president, human resources director or legal counsel. By signing the MOU, the MOU signatory is committing your company to complying with the terms of the MOU. Review it carefully before signing—misuse of E-Verify may result in legal liability.

**NOTE:** The document displayed at this step during enrollment is an example and cannot be filled in. You will electronically sign the MOU during enrollment. You will be able view and print your electronically signed MOU at the end of the enrollment process.

**E-Verify** Employment Eligibility Verification

**THE E-VERIFY PROGRAM FOR EMPLOYMENT VERIFICATION  
MEMORANDUM OF UNDERSTANDING**

**ARTICLE I**

**PURPOSE AND AUTHORITY**

This Memorandum of Understanding (MOU) sets forth the points of agreement between the Department of Homeland Security (DHS) and the Employer regarding the Employer's participation in the Employment Eligibility Verification Program (E-Verify). This MOU explains certain features of the E-Verify program and enumerates specific responsibilities of DHS, the Social Security Administration (SSA), and the Employer. E-Verify is a program that electronically confirms an employee's eligibility to work in the United States after completion of the Employment Eligibility Verification Form (Form I-9). For covered government contractors, E-Verify is used to verify the employment eligibility of all newly hired employees and all existing employees assigned to Federal contracts or to verify the entire workforce if the contractor so chooses.

☒ I agree that I have read and agree with the terms and conditions of the MOU, and am authorized by my company to act on its behalf with respect to the E-Verify program. I understand that I must complete the electronic registration process for the MOU to take effect.

☐ I do not agree to the terms and conditions of the MOU.

**Back** **Next**

## 6. ENTER MOU SIGNATORY INFORMATION.

Enter the contact information of the person who electronically signed the MOU on the preceding page. This person should have signature authority for the company as his or her name will appear on the signed MOU. You may also designate this person as an E-Verify program administrator. Required fields are marked with a red asterisk (\*).

**E-Verify** Employment Eligibility Verification

**MOU/Signatory**

Please enter point of contact information for the person who has signature authority and whose name will appear on the Memorandum of Understanding. This person may also become an E-Verify user by selecting "yes" to this question below.

Last Name: \*

First Name: \*

M.I.: \*

Phone Number: \*

Fax Number: \*

E-mail Address: \*

Confirm E-mail Address: \*

Does this person need Program Administrator access to E-Verify? Yes No \*

Back Next

## 7. ENTER COMPANY INFORMATION.

Enter your company details, including your company's name, parent organization, physical verification location, mailing address, employer identification number and total number of employees. If you are enrolling your company in E-Verify employer access and you would like to link this account to an existing corporate administrator account, you may do so on this page. Required fields are marked with a red asterisk (\*).

**NOTE:** You must provide your company's employer identification number. An employer identification number is different from a Social Security number or individual taxpayer identification number. Do not enter either of these numbers in place of an employer identification number.

**E-Verify** Employment Eligibility Verification

**Company Information**

Company Name: \*

Doing Business As (DBA) Name: \*

DUNS Number: \*

**Physical Location** This is not the mailing address. This is the location where the verification process will be performed.

Address 1: \*

Address 2: \*

City: \*

State: \*

Zip Code: \*

County/Parish: \*

**Mailing Address** Please enter a different mailing address.

Address 1: \*

Address 2: \*

City: \*

State: \*

Zip Code: \*

**Additional Information**

Employer Identification Number: \*

Total Number of Employees: \*

Parent Organization: \*

Administrator: \*

How did you hear about E-Verify? \*

Other Marketing Channel: \*

Back Next

## 8. ENTER OR SELECT NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) CODE.

If you know your company's NAICS code, enter the first three digits on this page and click 'Accept NAICS Code and Continue.' If you do not know your company's NAICS code, leave the NAICS code field blank and click 'Generate NAICS Code.'

The screenshot shows the 'E-Verify Employment Eligibility Verification' interface. At the top, there's a header with the E-Verify logo and the title. Below the header, there's a large text box with instructions: 'If you know your company's 3-digit North American Industry Classification System (NAICS) code, please enter it and click "Accept NAICS Code and Continue." If you do not know your NAICS code, you must generate a NAICS code that is 3-digits. To generate a 3-digit NAICS code, click on "Generate NAICS Code". You must select your Sector and Subsector from the drop-downs provided. If there is not a code specific to your type of business, select the industry that best fits your company's type of work. Once the 3-digit NAICS code is generated, click "Accept NAICS Code and Continue" to continue with the Registration process.' Below the text box, there is a 'NAICS code' input field. At the bottom, there are two buttons: 'Generate NAICS Code' and 'Accept NAICS Code and Continue'.

## 9. PROVIDE HIRING SITE INFORMATION.

Enter the number of hiring sites that will participate in E-Verify for each state. Do not include sites that will not participate in E-Verify. Remember, while you are free to choose E-Verify participation on a site-by-site basis, your company must use E-Verify for all newly hired employees and employees assigned to a covered federal contract at each participating site.

If your company has hiring sites in more than three states, click 'Add Additional Hiring Sites' to add more states. Once you're finished, click 'Next' to continue.

The screenshot shows the 'E-Verify Employment Eligibility Verification' interface. At the top, there's a header with the E-Verify logo and the title. Below the header, there's a large text box with a question: 'Will your company verify employees hired at a single location? If so, select "Next." If your company will verify employees hired at multiple locations, these are called "Hiring Sites." Enter the number of hiring sites per state and then click "Next."' Below the text box, there is a table with two columns: 'State' and 'Number of Hiring Sites'. The first row shows 'DIST OF COL' with a dropdown menu and a text input field. Below the table, there is a button labeled 'Add Additional Hiring Sites'. At the bottom, there are two buttons: 'Back' and 'Next'.

## 10. REGISTER E-VERIFY PROGRAM ADMINISTRATORS.

During enrollment, you must register at least one program administrator; however, you may register additional program administrators. If you indicated earlier that your MOU signatory should also be a program administrator, that person is listed on this page. After enrollment, your program administrators can register general users and additional program administrators. For more information, review the 'E-Verify User Manual for Employers' located at [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify).



E-Verify Users	
Last Name:	
First Name:	
M.I.:	
Phone Number:	
Fax Number:	
E-mail Address:	
Confirm E-mail Address:	
<input type="button" value="Clear Fields"/>	
Last Name:	
First Name:	
M.I.:	
Phone Number:	
Fax Number:	
E-mail Address:	
Confirm E-mail Address:	
<input type="button" value="Clear Fields"/>	
Last Name:	
First Name:	
M.I.:	
Phone Number:	
Fax Number:	
E-mail Address:	
Confirm E-mail Address:	
<input type="button" value="Clear Fields"/>	
<input type="button" value="Add Another User"/>	
<input type="button" value="Back"/>	<input type="button" value="Next"/>

## 11. REVIEW AND CERTIFY INFORMATION.

Please review the information you've provided because errors can delay us in approving your enrollment. If you need to change any information, use the 'View/Edit' button for the section that contains the information you want to change. If all of the information is correct, read the certification statement at the bottom of the page.

You must certify that the information you've provided is correct and check the box indicating your agreement before clicking 'Register Employer.'

Company Information			
Company Name:		Sample Company	
Doing Business As (DBA) Name:			
EIN/SS Number:			
Physical Location:		Mailing Address:	
Address 1:	Main Street	Address 1:	
Address 2:		Address 2:	
City:	Anytown	City:	
State:	IL	State:	
Zip Code:	60000	Zip Code:	
County:	DISTRICT OF COLUMBIA		
Additional Information:			
Employer Identification Number: 000000000			
Total Number of Employees: 1 to 4			
Parent Organization:			
Administrator:			
How did you hear about E-Verify?			
Other Marketing Channel:			
Organization Designation:			
Employer Category: None of these categories apply			
NAICS Code:		7211-A, COMMODITY	
Hiring Sites:		DIST OF COL	
E-Verify Users:			
Last Name	First Name	ML	Phone
Sample	Samane		(770) 404-4214 ext 1234567890
E-mail			
Sample@Sample.com			
I certify that the information provided for this registration is correct. I am aware that Federal Law provides for imprisonment, fines or both for knowingly false statements or other fraudulent conduct in connection with this registration. I am aware that providing any false information may be grounds for termination of participation in E-Verify.			
<input type="checkbox"/> I Agree			
<b>Register Employer</b>			

## 12. PRINT ELECTRONICALLY SIGNED MOU.

The enrollment confirmation page confirms that we have received your enrollment information. Before you exit this website, click on the 'View Memorandum of Understanding' button and print a copy of the MOU you electronically signed. Be sure to share it with your human resources manager, legal counsel and other appropriate staff. If you have trouble viewing your MOU, make sure you have disabled any pop-up blockers and are using the latest version of your Portable Document Format (PDF) viewer software.

## **AFTER ENROLLMENT**

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After you complete steps 1 through 12 of the enrollment process, E-Verify compares your company information with our list of companies already enrolled. E-Verify will approve your company's enrollment and send confirmation e-mails to your company's program administrator(s). Most people receive a confirmation e-mail within a few minutes. You should check your e-mail inbox as well as your spam or junk mail folders because e-mails may be mistakenly marked as spam. However, if your account is found to be a duplicate, the process may be delayed.

If we find your company is already enrolled, or if we need additional information to approve your company's enrollment, E-Verify Customer Support will contact the person who signed the memorandum of understanding (MOU) generally within two business days of your enrollment submission. After two business days, if you haven't heard from us, contact E-Verify Customer Support at 888-464-4218. Please do not try to reenroll your company as it will further delay your enrollment.

Additionally, you must post the English and Spanish versions of the 'Notice of E-Verify Participation' and the 'Right to Work' posters in a prominent location that can be clearly viewed by prospective and current employees. You may also provide a copy of these posters with job application materials, such as on your company's website.

E-Verify conducts monitoring and compliance activities to ensure proper use of E-Verify. It is important that you comply with all of the requirements you agreed to when you enrolled in E-Verify.

### **Enrollment Confirmation**

After your company is approved for enrollment, each program administrator will receive a confirmation e-mail that contains his or her user ID, temporary password and the required next steps.

Your program administrator must:

- Log in to E-Verify with his or her user ID and temporary password (included in the E-Verify enrollment confirmation e-mail).
- Change his or her password and create security questions.
- Complete the E-Verify tutorial and pass the knowledge test.

Once a program administrator has completed these three steps, he or she will have full program administrator access to E-Verify.

### **User Registration Instructions**

Only program administrators can register new E-Verify users. To add an additional user, the program administrator must provide the user's name, phone number, fax number (optional) and e-mail address. For additional information on user registration, review the 'E-Verify User Manual for Employers' located at [www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify).

## E-VERIFY RESOURCES AND CONTACT INFORMATION

### E-VERIFY RESOURCES

#### E-Verify Public Website

[www.dhs.gov/E-Verify](http://www.dhs.gov/E-Verify)

- General information about E-Verify
- Program information and statistics
- Frequently asked questions
- E-Verify user manuals
- E-Verify quick reference guides
- Information about employee rights and employer obligations

#### E-Verify Enrollment Application

<https://e-verify.uscis.gov/enroll>

- Website for initial company enrollment

#### E-Verify Access for Employers and Corporate Administrators

<https://e-verify.uscis.gov/emp>

- User access to E-Verify

#### E-Verify Access for E-Verify Employer Agents

<https://e-verify.uscis.gov/esp>

- User access to E-Verify

### E-VERIFY CONTACT INFORMATION

#### E-Verify Customer Support

E-Verify Customer Support is available to assist you with using E-Verify, password resets, assistance with cases and technical support. We can also answer your questions about E-Verify policies and procedures, Form I-9 and employment eligibility. We are available Monday through Friday, from 8 a.m. to 5 p.m. local time, except on federal holidays.

#### For Employers:

888-464-4218  
877-875-6028 (TTY)  
E-Verify@dhs.gov

#### For Employees:

888-897-7781  
877-875-6028 (TTY)  
E-Verify@dhs.gov

Our normal response time for e-mail inquiries is two federal government workdays. If we need more time to respond to your inquiry, we'll contact you within two federal government workdays to explain why we need additional time and provide you with an estimated response time.

**Office of Special Counsel for Immigration, Related Unfair Employment Practices (OSC)**

OSC is available to answer your questions about immigration-related employment discrimination, including discrimination based on citizenship status, immigration status or national origin in the Form I-9 and E-Verify processes.

**Employer Hotline:** 800-255-8155  
800-362-2735 (TTY)

**Employee Hotline:** 800-255-7688  
800-237-2515 (TTY)

**Website:** [www.justice.gov/crt/osc/](http://www.justice.gov/crt/osc/)

## **Appendix A: Corporate Administrator Access**

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For companies that have multiple E-Verify employer accounts, E-Verify offers an account type called corporate administrator that enables companies to link together their employer accounts for reporting and oversight. This account type has no relation to how your company is organized (i.e., whether or not it is actually a chartered corporation).

Most companies do not need corporate administrator access regardless of whether they are corporations. Corporate administrator access requires more time and effort to set up than the usual employer access setup—so don't enroll in corporate administrator access unless you are sure you need it. All corporate administrators must attend a training session offered over the Web instead of the self-paced online tutorial that is required of users registered to an employer account.

Unsure whether you need a corporate administrator account? Answer the following questions to determine if corporate administrator access is right for your company:

- Does your company have more than one location from which your E-Verify users will create and manage E-Verify cases?
- Does your company need each location to have its own employer account to keep its E-Verify users and cases separate from other locations?

Only if you answered yes to both questions should you enroll your company in corporate administrator access. You do not need corporate administrator access if you have multiple sites, but create and manage E-Verify cases from a single location. If you need help determining whether your company requires corporate administrator access, contact E-Verify Customer Support at 888-464-4218.

**Example:** John owns five copy centers in Kansas. Each copy center operates with a manager, and there is no central office. At each copy center, the manager completes a Form I-9 for every new employee and files it on site. John plans to have the copy center managers create the E-Verify cases for their own employees. In this example, each copy center is a verification location and a hiring site. In using E-Verify, John has two options.

### **Option 1 – Employer Access:**

John's first option is to enroll in E-Verify employer access and set up a single company account that will serve all of his copy centers. Although John has five verification locations, E-Verify permits users to enter only one verification location per company account. If John prefers a single company account, he must choose one copy center as his verification location in E-Verify, but can still create E-Verify cases at his other locations. During enrollment, John should indicate his company has five hiring sites. While this option offers John a simple setup and the need to sign just one memorandum of understanding (MOU), he will not be able to monitor usage on a location-by-location basis.

### **Option 2 – Corporate Administrator Access:**

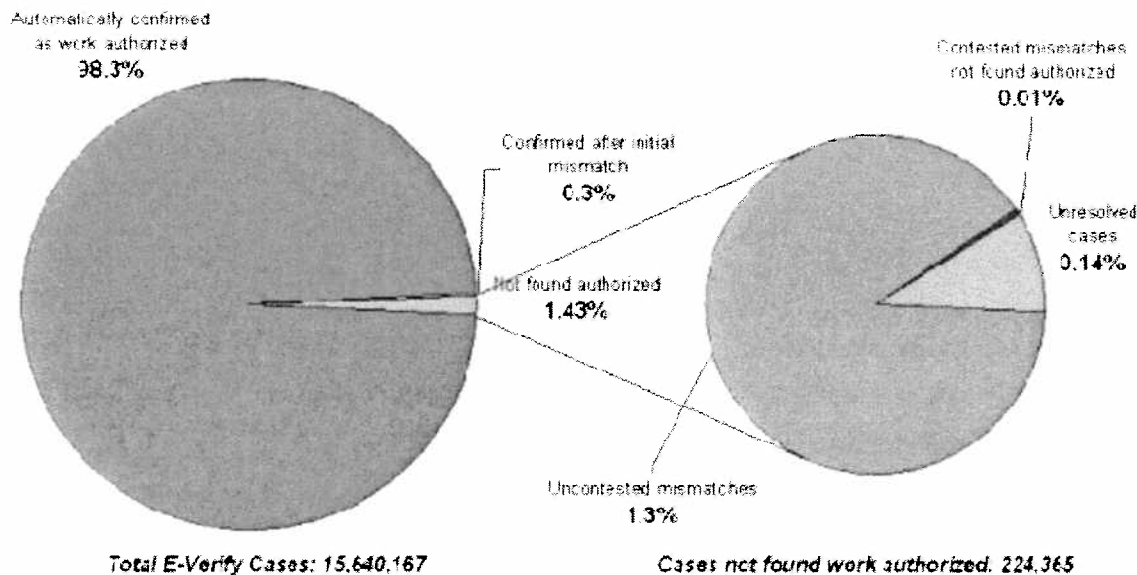
John's second option is to enroll each copy center in E-Verify employer access and link them together with a corporate administrator account. A corporate administrator account will allow John to manage the accounts of each of his copy centers, but will not allow him to create E-Verify cases himself. John's corporate administrator account does not require an MOU; however, he must electronically sign an MOU for each copy center enrolled in E-Verify employer access.



## U.S. Citizenship and Immigration Services

# Statistics and Reports

## Statistics



These statistics are based on E-Verify cases in Fiscal Year 2010 (October 2009 through September 2010). Statistics may not appear to sum to 100 percent (or to the subtotals listed below) due to rounding.

### Most employees are automatically confirmed as work authorized.

- 98.3 percent of employees are automatically confirmed as authorized to work ("work authorized") either instantly or within 24 hours, requiring no employee or employer action.
- 1.7 percent of employees receive initial system mismatches.

### Of the 1.7% of employees who receive initial system mismatches:

- 0.3 percent are later confirmed as work authorized after contesting and resolving the mismatch.
- 1.43 percent are not found work authorized.

### Of the 1.43% of employees not found to be work authorized:

- 1.3 percent of employees who receive initial mismatches do not contest the mismatch either because they do not choose to or are unaware of the opportunity to contest and as

- a result are not found work authorized. The E-Verify program closely monitors uncontested mismatches and actively reaches out to employers to ensure that they are aware of their responsibility to inform employees of the right to contest.
- **0.01** percent of employees who receive initial mismatches contest the mismatch and are not found work authorized.
- **0.14** percent of employees with initial mismatches are unresolved because the employer closed the cases as "self-terminated" or as requiring further action by either the employer or employee at the end of FY10.

**Note:** The statistics reported above differ from the 96 percent "accuracy rate" as reported by the Westat Corporation in "[Findings of the E-Verify Program Evaluation](#)," because Westat used E-Verify transaction data from April-June 2008 in a model to estimate accuracy rates.

E-Verify is regularly updated and enhanced to improve its accuracy and usability.

For a description of E-Verify program improvements, please see the [E-Verify History and Milestones](#) webpage.

## Reports

In order to continue to improve E-Verify operations and efficiency, several government and independent reports are conducted to provide information to guide the direction of the program.

- [E-Verify Customer Satisfaction Survey, October 15, 2010](#)
- [GAO Report, December 2010](#)
  - [DHS Response to GAO-E-Verify Report](#)
- [The Practices and Opinions of Employers who do not Participate in E-Verify, December 2010](#)
- [Westat Evaluation of the E-Verify Program: USCIS Synopsis of Key Findings and Program Implications \(January 2010\)](#)
- [Findings of the E-Verify Program Evaluation \(December 2009\)](#)

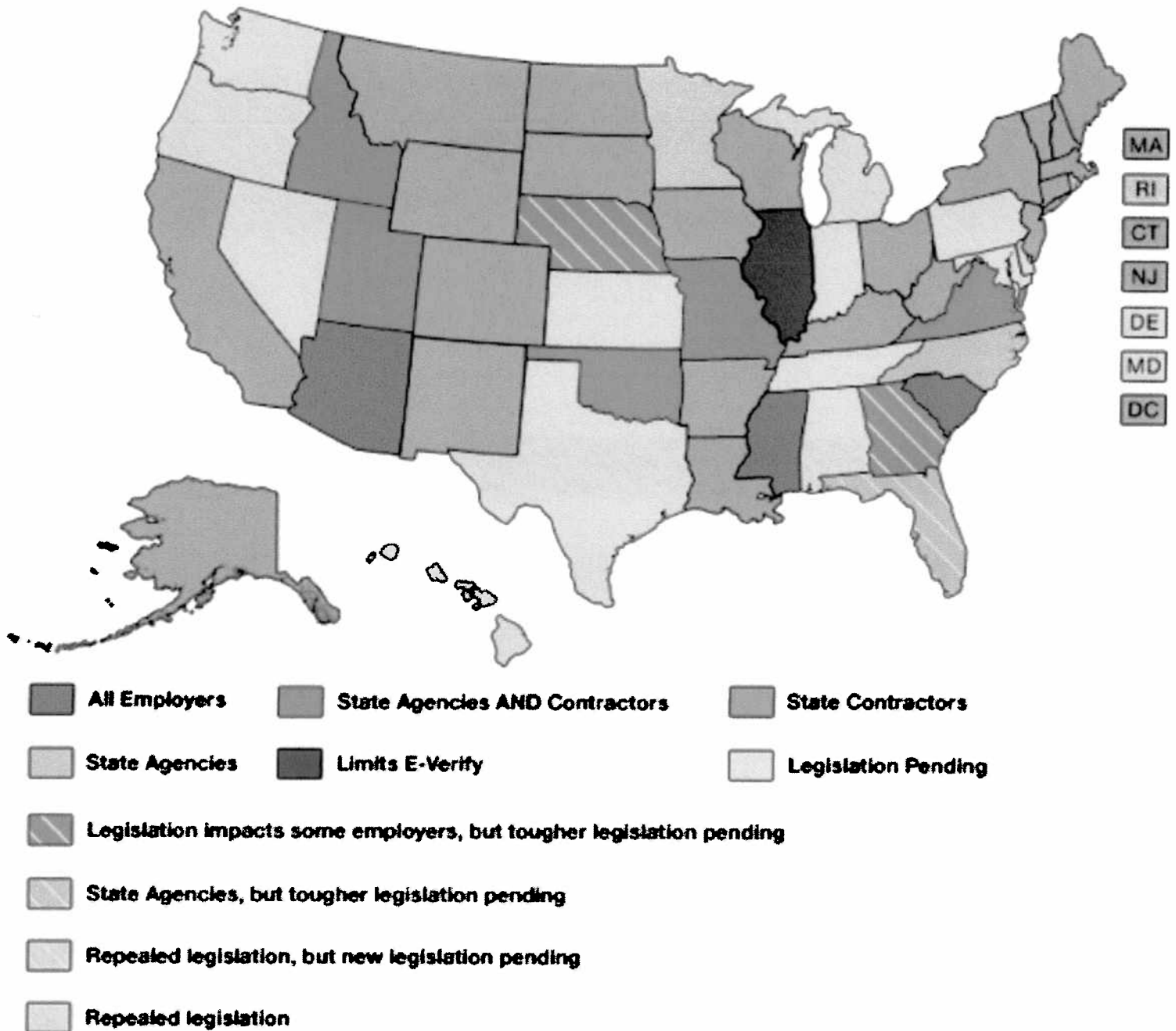


# Map of States with Mandatory E-Verify Laws

By cchmielenski

Created 06/28/2010 - 4:09pm

E-Verify is an Internet-based system operated by U.S. Citizenship and Immigration Services (USCIS) in partnership with the Social Security Administration (SSA). E-Verify is currently free to employers and is available in all 50 states. It provides an automated link to federal databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers. While its usage remains voluntary throughout the country, some states have passed legislation making its use mandatory for certain businesses.





## Arizona

**HB 2779 (Arizona Fair and Legal Employment Act)** - Passed in 2007, HB 2779 prohibits employers from knowingly hiring undocumented workers and requires all employers to use E-Verify, effective January 1, 2008. It was followed up in 2008 with **HB 2745**, which prohibits government contracts to any businesses not using E-Verify, effective May 1, 2008.

## ☐ Colorado

**HB 1343** - Passed in 2006, HB 1343 prohibits state agencies from entering into contract agreements with contractors who knowingly employ illegal aliens and requires prospective contractors use E-Verify to ensure legal work status of all employees. In 2008, SB 193 was passed requiring contractors with state contracts to use E-Verify. The effective date for SB 193 is August 6, 2008.

## Georgia

**SB 529** - Passed in 2006, SB 529 requires public employers, contractors and subcontractors with 500 or more employees to participate in E-Verify for all new employees, effective July 1, 2007. Public employers, contractors and subcontractors with more than 100 employees (but less than 500) must use E-Verify on or before July 1, 2008 and public employers, contractors and subcontractors with fewer than 100 employees must use E-Verify on or before July 1, 2009.

## ☐ Florida

**HB219/SB1880** - These two bills would require state contractors to use E-Verify. The House bill passed through a House committee in March 2010. But the Senate bill has not yet had a hearing.

## Idaho

**Executive Order** - In May, 2009, Gov. Butch Otter signed an executive order requiring all state agencies and contractors to use E-Verify if they wanted a share of the state's \$1.24 billion from the economic stimulus bill. In December 2006, Governor Jim Risch also issued an executive order, with immediate effect, requiring that state agencies participate in the E-Verify system.

## Illinois

**HB1774** - HB 1744 bars Illinois companies from enrolling in any Employment Eligibility Verification System until accuracy and timeliness issues are resolved. Illinois also enacted HB 1743, which creates privacy and antidiscrimination protections for workers if employers participating in E-Verify don't follow the program's procedures. On August



24, 2009, Illinois enacted S1133 prohibiting the state or localities from requiring employers to use an employment eligibility verification system.

#### **Indiana**

**SB213** - Offered by Sen. Mike Delph, SB213 requires E-Verify for state and local agencies.

#### **Kentucky**

**HB321** - Offered by Rep. Bob Damron, HB321 requires the use of E-Verify for all state contractors. The bill passed the State House on Feb. 10, 2010 and moves to the State Senate for its approval.

#### **Michigan**

**HB4355** - Offered by Rep. David Ogema, HB4355 would require that state and local government offices, and agencies that refer employees to those offices, verify new hires through E-Verify.

#### **Minnesota**

**Executive Order** - In January 2008, Governor Tim Pawlenty issued an executive order effective, January 29, 2008, stating that all hiring authorities within the executive branch of state government as well as any employer seeking to enter into a state contract worth in excess of \$50,000 must participate in the E-Verify program.

**Emmer Amendment** - In February, 2009, Rep. Tom Emmer offered and the State House approved an amendment requiring the mandatory use of E-Verify for anyone receiving funds from a \$1 billion stimulus bill.

#### **Mississippi**

**SB 2988** - Passed in 2008, SB 2988 requires public and private employers to participate in E-Verify with a phase in period beginning in 2008 and full participation by 2011. All government agencies and businesses with more than 250 employees were required to comply by July 1, 2008. Companies with 100-250 employees must comply by July 1, 2009, companies with 30-100 employees by July 1, 2010 and the remaining companies by July 1, 2011.

#### **Missouri**

**HB 1549** - Passed in 2008, HB 1549 requires all public employers to use E-Verify. If a court finds that a business knowingly employed someone not authorized to work, the company's business permit and licenses shall be suspended for 14 days. Upon the first



violation, the state may terminate contracts and bar the company from doing business with the state for 3 years. Upon the second violation, the state may permanently debar the company from doing business with the state.

#### **Nebraska**

**L403** - Passed in 2009, LB403 requires state and local governments and contractors to use E-Verify effective October 1, 2009. The bill also includes incentives for private employers to use E-Verify.

#### **North Carolina**

**SB 1523** - Passed in 2006, SB 1523 requires all state agencies, offices, and universities to use E-Verify. The law applied to all employees hired after January 1, 2007 except for local education agencies which was March 1, 2007.

#### **Oklahoma**

**HB 1804 (Oklahoma Taxpayer and Citizen Protection Act)** - Passed in 2007 and made effective on November 1, 2007, HB 1804 requires public employers, contractors and subcontractors to participate in E-Verify and requires income tax withholding for independent contractors who do not have valid Social Security numbers.

#### **Pennsylvania**

#### **Rhode Island**

**Executive Order** - In March 2008, Governor Carcieri issued an executive order requiring executive agencies to use E-Verify; and for all persons and businesses, including grantees, contractors and their subcontractors and vendors to use E-Verify.

#### **South Carolina**

**HB 4400** - Passed in 2008, HB 4400 requires the mandatory use of E-Verify for all employers by July 1, 2010. All public employers, private employers with more than 100 employees and public contractors with more than 500 employees were required to comply by January 1, 2009. All private employers must comply by July 1, 2009 and all other all businesses by January 1, 2010.

#### **Utah**

**SB0251** - Passed in 2010, SB0251 requires all employers with more than 15 employees to begin using E-Verify July 1, 2011. Usage between now and the effective date is voluntary. Companies that utilize legal guest workers do not have to use E-Verify.





**SB 81** - Passed in 2008 and made effective on July 1, 2009, SB 81 requires public employers, public contractors and subcontractors to E-Verify and makes it illegal to discharge a lawful employee while retaining an unauthorized alien in the same job category.

☐ **Virginia**

**HB737** - Passed in 2010, HB737 requires all state agencies to begin using E-Verify by December 1, 2012.

☐ **Washington**

- [e-verify](#)

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## E-Verify


*Revised June 9, 2011*

**NEW:** U.S. Supreme Court upholds Arizona's 2007 employment verification law

On May 26, 2011, the Supreme Court upheld Arizona's 2007 law that required the use of E-Verify by Arizona employers, punishable by suspension or revocation of the employer's business license. The Immigration Reform and Control Act of 1986 (IRCA) preempts any state or local law from imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens. Citation: 8 U.S.C. 1324a(h). The Supreme Court, by a 5-3 vote, found that language in IRCA did not preempt the state because it was a licensing law permissible under IRCA. The E-Verify program also did not preempt the state: "although Congress had made the program voluntary at the national level, it had expressed no intent to prevent States from mandating participation." The [ruling on the case](#), "CHAMBER OF COMMERCE OF UNITED STATES OF AMERICA v. WHITING ( No. 09-115)."

### State Actions in 2011

As of May 26, 2011, at least 31 states introduced legislation related to E-Verify. Thus far in 2011, six states have enacted legislation with E-Verify provisions – Florida (executive order), Georgia, Indiana, Tennessee, Utah and Virginia.

### E-VERIFY FAQ

#### What is E-Verify?

The E-Verify program was created as a voluntary Internet-based pilot program to help employers verify the work authorization of new hires. It applies to U.S. citizens and noncitizens. Originally known as the Basic Pilot/Employment Eligibility Verification Program, the program was renamed E-Verify in 2007. The program is administered by the U.S. Department of Homeland Security in partnership with the Social Security Administration.

#### When and how was it created?

The Basic Pilot program was established by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), P.L. 104-208, signed September 30, 1996, citation: 8 U.S.C. 1324a. The program started in California, Florida, Illinois, New York and Texas (1997) with Nebraska joining in 1999. Congress authorized the expansion of the pilot program to employers in all 50 states in 2003.

#### When will E-Verify expire?

Sept. 30, 2012. IIRIRA required the termination of the pilot program after four years (allowing for a one-year implementation). It was extended for two years in 2002 and five more years in 2003 (until November 30, 2008). See the Basic Pilot Program Extension and Expansion Act of 2003, Public Law 108-156. Congress passed a continuing resolution extending budgets of certain federal agencies until March 2009, including E-Verify (HR 2638). Congress then passed the Omnibus Appropriations Act of 2009 in March, extending the budget of E-Verify until September 2009 (Public Law 111-8). Another three-year extension was approved in the Department of Homeland Security appropriations in October 2009, P.L. 111-83.

#### How does E-Verify work?

All employers must first complete an I-9 form for every new hire, within three business days of the date the employee starts work. Employers may not begin the I-9 process until after the individual is hired. The employer and newly-hired

#### In This Report

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[When and how was it created?](#)
[When will E-Verify expire?](#)
[How does E-Verify work?](#)
[What is the current usage and capacity?](#)
[How well does E-Verify work?](#)
[How is it enforced?](#)
[What is required of federal contractors?](#)
[What states address the use of E-Verify?](#)
[Table: States Requiring E-Verify](#)
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[Limits on Use of E-Verify](#)
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#### NCSL Resources

[NCSL Immigrant Policy Project](#)
[Contact: Ann Morse](#)

employee jointly complete the I-9 Employment Eligibility Verification form. The form asks for employee's name and date of birth; social security number; citizenship status; an A number or I-94 number if applicable; documentation to establish work authorization; and proof of identity and expiration date, if applicable. Employees may choose from several documents to prove identity and authorization to work, such as a U.S. passport or unexpired employment authorization card, or a combination of a driver's license and social security card. Documents must appear genuine. <http://www.uscis.gov/files/nativedocuments/m-274.pdf>

An employer then enters information from the I-9 form into the E-Verify system, where it is compared against 455 million records in the Social Security Administration (SSA) database and 80 million records in the Department of Homeland Security's (DHS) immigration databases. Most inquiries are resolved within 72 hours. Some inquiries can't be confirmed instantly by DHS ("tentative nonconfirmation notices") due to changes in citizenship status, name changes (e.g., marriage/divorce), or typographical errors.

To resolve a nonconfirmation notice, the employee must visit an SSA office or call DHS toll-free. The employee has eight federal workdays to start resolving the case. About one-half of those who receive a nonconfirmation notice contest the notice. Of these, about half of the employees will follow up.

### **What is the current usage and capacity?**

The U.S. Citizenship and Immigration Services (USCIS) reports that as of December 11, 2010 more than 238,000 employers have registered with the program, with 16 million inquiries in FY2010. In FY2009, there were 8.7 million inquiries, in FY 2008, 6.6 million, and 3.27 million in FY2007. There are an estimated 7 million employers in the United States and 60 million new hires per year. The 2007 Westat evaluation estimated that 4 percent of newly hired workers are verified using the system.

### **How well does E-Verify work?**

A December 2010 GAO report found that USCIS has improved the accuracy of E-Verify, immediately confirming 97.4 percent of 8.2 million new hires in 2009, up from 92 percent in 2007. The report notes that E-Verify remains vulnerable to identity theft and employer fraud. Name mismatches (multiple or hyphenated names) can still lead to tentative nonconfirmation notices. GAO recommends that USCIS disseminate information to employees to consistently record names and to develop procedures to help employees correct inaccurate information. GAO also recommended that USCIS develop reliable cost estimates for E-Verify. The 81-page report, "Employment Verification: Federal Agencies Have Taken Steps to Improve E-Verify, but Significant Challenges Remain" can be found at <http://www.gao.gov/new.items/d11146.pdf>.

Previous study: An evaluation conducted by Westat in 2007 for DHS found that the accuracy of the USCIS database had improved substantially. However, the error percentage was still too high for it to become a mandated program. The report finds that "the database used for verification is still not sufficiently up to date to meet the IIRIRA requirement for accurate verification." SSA estimated that 4.1 percent, or 17.8 million records, contained discrepancies related to name, date of birth or citizenship status; 12.7 million of these pertained to U.S. citizens. Westat reported that for the July-September 2008 quarter, 96.9 percent of employees attesting to be U.S. citizens were automatically confirmed as authorized to work instantly or within 24 hours (up from 96.1 percent in the previous quarter). Westat's 2007 study noted significantly different rates between citizen and noncitizen cases. Only 72 percent of lawful permanent residents and 63 percent of immigrants authorized to work were confirmed automatically.

### **How is it enforced?**

The Immigration Reform and Control Act of 1986 established a prohibition on employers from hiring unauthorized workers and established criminal and civil sanctions. Citation: 8 USC 1324a(h)(2). USCIS is responsible for verification of documents and Immigration and Customs Enforcement (ICE) is responsible for enforcement. Both USCIS and ICE are part of DHS. To participate in E-Verify, employers sign a Memorandum of Understanding that sets out responsibilities for USCIS, SSA and the employer.

The law also created civil rights protections against unfair immigration-related employment practices. The Office of Special Counsel in the U.S. Department of Justice is the law enforcement agency charged with enforcement against discrimination on the basis of citizenship, immigration status or national origin discrimination. See section 274(b) INA. <http://www.justice.gov/crt/osc/html/article.htm>

### **What is required of federal contractors?**

As of Sept. 8, 2009, federal contractors or subcontractors are required to use E-verify to determine employment eligibility of employees performing direct work on the contract and new hires. It applies to federal contracts that contain the Federal Acquisition Regulation E-Verify Clause. It exempts contracts of less than 120 days and valued at less than \$100,000 and subcontracts valued at less than \$3,000.

Background: President Bush amended Executive Order 12989 on June 6, 2008, requiring all federal contractors to verify the employment eligibility of all persons hired during the contract term and all persons performing work within the United States on the federal contract by using the employment eligibility verification system (E-Verify). It was scheduled to go into effect on January 15, 2009, but implementation was delayed subsequent to a lawsuit. The lawsuit

filed by multiple parties, including the U.S. Chamber of Commerce, challenged the use of the Executive Order on the grounds that it circumvented the Congressional prohibition in mandating the use of E-Verify for federal contracts through IIRIRA.

### What states currently address the use of E-Verify?

Sixteen states have required the use of E-Verify for public and/or private employers, twelve through legislation and four through executive orders. Rhode Island has since rescinded its executive orders leaving 16 states that require E-Verify. One state, Illinois, enacted legislation to limit the use of E-Verify until the database accuracy is improved and also created privacy and antidiscrimination protections. At least two states, Pennsylvania and Tennessee, encourage its use through providing a safe harbor from state penalties for employers enrolled in E-Verify.

**Table: States Requiring E-Verify**

	State	Citation	Year	Applies to:
1	Arizona	HB 2779 HB 2745	2007 2008	all employers, public and private
2	Colorado	HB 1343 SB139, SB193	2006 2008	state contractors
3	Florida	Executive Order	2011	state employees, contractors and subcontractors
4	Georgia	SB 529 HB 2 SB 447 HB 87	2006 2009 2010 2011	state agencies, contractors, and subcontractors
5	Idaho	Executive Order	2006	state agencies, contractors
6	Indiana	SB 590	2011	state agencies, contractors
7	Minnesota	Executive Order	2008	state agencies, state contracts
8	Mississippi	SB 2988	2008	all employers, public and private
9	Missouri	HB 1549 HB3	2008 2009	public employers, contractors and subcontractors
10	Nebraska	L403	2009	Public employers, public contractors
11	North Carolina	SB 1523	2006	state agencies
12	Oklahoma	HB 1804	2007	public employers, contractors, subcontractors
13	Rhode Island	Executive Order	2008	state agencies, grantees, contractors, subcontractors. RESCINDED 2011
14	South Carolina	HB 4400	2008	all employers, public and private, phased in by 2010
15	Utah	SB 81 SB 39 HB 116	2008 2009 2011	public employers, contractors, subcontractors Employers with more than 15 employees
16	Virginia	H 737 HB 1859/SB 1049	2010 2011	state agencies public contractors and subcontractors

### Require use of E-Verify (15 states)

**Arizona.** The Arizona Fair and Legal Employment Act (**HB 2779**), enacted in 2007, prohibits employers from knowingly hiring unauthorized workers and requires all employers to use the Basic Pilot Program to verify employment eligibility. It establishes substantial penalties and threatens noncompliant employers with suspension and potential

revocation of their business licenses. Effective date Jan. 1, 2008. **Arizona HB 2745**, enacted in 2008, prohibits government contracts to any contractor and subcontractor that fails to use E-Verify. It provides that companies can be punished only for unauthorized workers they hired after January 1, 2008 and that a violation at one location of a company shuts down only that location, not the entire corporation. The Arizona Attorney General is required to establish a Voluntary Employer Enhanced Compliance Program. Effective May 1, 2008.

**Colorado. HB 1343** (signed 6/6/2006) prohibits state agencies from entering into contract agreements with contractors who knowingly employ illegal immigrants and requires prospective contractors to verify legal work status of all employees. The contractor must confirm that the Basic Pilot Program has been used to verify the status of all employees. If the contractor discovers that an illegal alien is employed, the contractor must alert the state agency within 3 days. **Colorado SB 139** (Signed 5/20/2008) requires that employers be notified of the prohibition against hiring an unauthorized alien and the availability of and participation requirements for the federal E-Verify program. The Act requires the Department of Labor and Employment's website to provide this information. Effective August 6, 2008. **Colorado SB 193** (Signed 5/13/2008) creates a program to allow a contractor to verify employment eligibility of all employees under a public contract and requires future participation in the Federal Electronic Employment Eligibility Program or the department program to verify the employment eligibility of certain employees. Effective August 6, 2008.

**Florida.** Executive Order 11-02 (signed 1/4/2011). All state agencies must verify the employment eligibility of all current and prospective agency employees through E-Verify. State contractors and subcontractors must use E-Verify. <http://www.flgov.com/wp-content/uploads/orders/2011/11-02-employment.pdf>

**Georgia.** The Georgia Security and Immigration Compliance Act, **SB 529**, covered employment, enforcement, and benefits and was signed by the Governor on April 17, 2006. The law requires public employers, contractors and subcontractors with 500 or more employees to participate in E-Verify for all new employees beginning July 1, 2007. The law is phased in for public employers, contractors and subcontractors with 100 or more employees effective July 1, 2008; and for all employers by July 1, 2009. **Georgia HB 2** (signed May 11, 2009) requires every public employer, (including municipalities and counties), contractors and subcontractors to verify employment eligibility of all newly-hired employees with the federal work authorization program, effective January 1, 2010. No employer or agency or political subdivision shall be subject to lawsuit or liability arising from any act to comply with these requirements. **Georgia SB 447** (signed May 20, 2010) requires public employers to retain, for five years, affidavits submitted by state contractors affirming their participation in the federal work authorization program. The law requires contractors to notify public employers of new subcontractors. **SB447** requires the Commissioner to conduct 100 random audits annually of public employers and contractors and to seek funding from the U.S. Secretary of Labor. Violations convicted for false statements on affidavits shall be prohibited from public contracts for 12 months. **HB87** (signed May 13, 2011) requires contractors to include in a bid for a publicly funded project an affidavit that the contractor and any subcontractor use E-Verify. Contractors can be barred from bidding on public contracts for 12 months for violations. Public employers must submit annual compliance reports. Funds for political subdivisions can be reduced 10 percent for noncompliance.

**Idaho Executive Order.** On December 13, 2006, Governor Jim Risch issued an executive order requiring that state agencies participate in the E-Verify system. Also, all workers employed to the state through contractors must also be from companies that have been verified to have eligible employees.

**Indiana.** **SB590** requires state agencies, political subdivisions, contractors with public contracts and certain business entities to use E-Verify. It requires certain subcontractors to certify that they use E-Verify. State agencies or political subdivisions may terminate a public contract if the contractor knowingly employs an unauthorized alien.

**Minnesota Executive Order.** Governor Tim Pawlenty issued an executive order on Jan. 7, 2008, stating that all hiring authorities within the executive branch of state government as well as any employer seeking to enter into a state contract worth in excess of \$50,000 must participate in the E-Verify program. The Executive Order's effective date is January 29, 2008.

**Mississippi. SB2988** (signed 3/17/08) requires public and private employers to participate in E-Verify. The phase-in period is: all government agencies and businesses with more than 250 employees by July 1, 2008; companies with 100 to 250 employees by July 1, 2009; those with 30 to 100 employees by July 1, 2010; and all remaining companies by July 1, 2011. An employer violating the law is subject to the cancellation of public contracts, ineligibility for contracts for up to three years, and loss of business license for up to one year. The law also makes it a felony to accept or perform employment knowing or in reckless disregard of the immigrant's ineligibility to work, with penalties from one to five years of imprisonment and/or \$1,000 to \$10,000 in fines.

**Missouri. HB1549** (Signed 7/7/2008) requires E-Verify for public employers. All public employers must enroll and participate in a federal work authorization program. Any public contractor or subcontractor must, by sworn affidavit, affirm its enrollment and participation in a federal work authorization program. If a court finds that a business knowingly employed someone not authorized to work, the company's business permit and licenses shall be suspended for 14 days. Upon the first violation, the state may terminate contracts and bar the company from doing business with the state for 3 years. Upon the second violation, the state may permanently debar the company from doing business with the state. **H390** (signed July 7, 2009) specifies that the requirement for certain businesses to participate in a federal work authorization program will not apply after the federal government discontinues or fails to authorize or implement the program. Public contractors are required to provide affidavits of participation in the federal work

authorization program annually. Onsite employees of a contractor or subcontractor on a public works project must complete a 10-hour Occupational Safety and Health Administration construction safety program or similar program.

**Nebraska (L403)** signed April 8, 2009) requires every public employer and every public contractor to use a federal immigration verification system.

**North Carolina.** All state agencies, offices, and universities must use E-Verify, required by SB 1523 in 2006. This applies to employees hired on or after January 1, 2007, except for employees of local education agencies hired on or after March 1, 2007.

**Oklahoma.** The Oklahoma Taxpayer and Citizen Protection Act of 2007 (HB 1804) addressed multiple issues: transporting and harboring, driver's licenses, public benefits, law enforcement and employment. It made it a felony to transport or harbor unauthorized immigrants, with exceptions for health or benefits guaranteed by federal law. It requires public employers, contractors and subcontractors to participate in a federal electronic employment verification system and requires income tax withholding for independent contractors who do not have valid Social Security numbers. The law became effective Nov. 1, 2007.

**Rhode Island Executive Orders.** On March 27, 2008, Governor Carcieri issued an executive order requiring executive agencies to use E-Verify; and for all persons and businesses, including grantees, contractors and their subcontractors and vendors to use E-Verify. Governor Chafee signed a repeal of executive order 08-01 effective January 5, 2011.

**South Carolina. HB 4400** (Signed 6/4/2008) requires public employers and public contractors to register and participate in the federal work authorization program E-Verify to verify all new employees. All public employers, private employers with more than 100 employees and public contractors with more than 500 employees must comply with the law's provisions on or after January 1, 2009; contractors with more than 100 employees on July 1, 2009; and all other contractors on January 1, 2010. The penalty for knowingly hiring unauthorized immigrants is a felony and punishable with up to five years in prison. The law provides for a private cause of action for an authorized employee, if he or she is discharged and replaced with an unauthorized employee.

**Utah. SB 81** (signed 3/13/08) requires public employers, public contractors and subcontractors to register and use the federal work authorization program. It is unlawful to discharge a lawful employee while retaining an unauthorized alien in the same job category. Effective July 1, 2009. **SB 39** (signed 3/23/2009) redefines a contract to mean an agreement for the procurement of goods or services that is awarded through a request for proposals process with a public employer, and includes a sole source contract. **Utah S.251** (signed March 31, 2010) requires private employers with more than 15 employees to verify the legal status of new employees via a federally approved employment verification system. Utah HB 116 (signed March 7, 2011) requires the Utah department created to administer the new guestworker permit to establish a verification requirement substantially similar to E-Verify. Employers with more than 15 employees must verify employment eligibility through E-Verify, an equivalent federal electronic verification system, the Social Security Administration or an independent third-party system with equal reliability.

**Virginia H737** requires state agencies of the Commonwealth to enroll in the E-Verify program by December 1, 2012, and to use the program for each newly hired employee who will work in Virginia. HB 1859/SB 1049 (signed March 25, 2011) requires public contractors with more than 50 employees in contracts worth more than \$50,000 to participate in E-Verify or be debarred for one year. State agencies shall deny prequalification to contractors who fail to participate.

## Encourage the use of E-Verify (2)

**Pennsylvania. HB 2319** (signed 5/11/2006) prohibits the use of illegal immigrant labor on projects and provides an affirmative defense if the contractor certifies compliance with Section 274A of the Immigration Reform and Control Act of 1986.

**Tennessee. HB 729**, signed into law on June 26, 2007 and effective January 1, 2008 states that employers who "knowingly employ, recruit or refer for a fee for employment an illegal alien" are subject to a temporary suspension of their business license; repeat offenders are subject to a one-year suspension. Employers who comply with the requirements of the current I-9 process or who verify new hires through the E-Verify within 14 days of employment are shielded from sanctions.

**Tennessee.** The Tennessee Lawful Employment Act, HB1378, (signed into law June 7, 2010, requires all employers to 1) request and maintain a copy of one of 11 identification documents or 2) enroll and maintain active participation in the E-Verify program. On or after January 1, 2012, the law would apply to governmental entities and private employers with at least 500 employees. On or after July 1, 2012, the above provisions would apply to private employers with between 200 and 499 employees. On or after January 1, 2013, the above provisions would apply to private employers with between six and 199 employees.

## Limits on the use of E-Verify (1)

**Illinois.** Illinois enacted **HB 1744**, which bars Illinois companies from enrolling in any Employment Eligibility Verification System until accuracy and timeliness issues are resolved. Illinois also enacted HB 1743, which creates privacy and antidiscrimination protections for workers if employers participating in E-Verify don't follow the program's

procedures. On August 24, 2009, Illinois enacted S1133 amending the Right to Privacy in the Workplace Act and urges employers, before enrolling in E-Verify, to consult the State Department of Labor's website for current information on the accuracy of E-Verify and to review and understand an employer's legal responsibilities relating to the use of the voluntary program. It prohibits the state or localities from requiring employers to use an employment eligibility verification system.

**Note:** The California legislature passed CA A 1288 in 2009 that would have prohibited states, localities or special districts from requiring employers to use E-verify except when required by federal law or as a condition of receiving federal funds. The law was vetoed by the governor on Oct. 11, 2009.

### Preemption Issues and Court Challenges

The Immigration Reform and Control Act of 1986 (IRCA) preempts any state or local law from imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens. Citation: 8 U.S.C. 1324a(h)

**Arizona's** 2007 law (HB 2779) was challenged as unconstitutional by plaintiffs representing the business and immigrant communities. Plaintiffs allege that the 1986 Immigration and Control Act expressly preempts the state because the Act was not a "licensing or similar law" within the meaning of IRCA; it is impliedly preempted because its sanctions provisions and e-verify requirements conflict with federal law; and the Act violated employers' due process rights. In September, 2008, the 9th Circuit Court of Appeals upheld the Arizona law, determining that the law was a licensing law. Plaintiffs appealed and the U.S. Supreme Court accepted the case. The court heard *Chamber of Commerce v. Whiting* (09-115) on December 8, 2010. On May 26, 2011, the Supreme Court upheld Arizona's 2007 law that required the use of E-Verify by Arizona employers.

**Oklahoma.** The employment provisions of the 2007 law (HB1804) were challenged by the U.S. Chamber of Commerce and Oklahoma business associations for interfering with federal law, alleging that Sections 7(B), 7(C) and 9 of the Oklahoma act were expressly and impliedly preempted by federal law and unconstitutional under the Supremacy Clause. See U.S. Const. art. VI, cl. 2; 8 U.S.C. § 1324a(h)(2). Section 7B would require businesses to use E-Verify. Section 7C makes it a discriminatory practice for an employer to fire a worker while retaining an employee that the employee knows or reasonably should know is unauthorized to work. Section 9 would require contractors to verify employees or withhold taxes from them. In June, 2008, the Federal District Court for the Western District of Oklahoma postponed enforcement of these sections of the law, including the E-Verify mandate. On February 3, 2010, the 10th Circuit federal appeals court upheld the injunction, finding that federal law preempted Sections 7C and 9, but were split on Section 7B relating to the E-Verify mandate.

**Illinois.** The provision of HB1744 limiting use of e-verify was challenged by the U.S. Department of Homeland Security on the grounds that it conflicts with federal law and is preempted by the Supremacy Clause of the U.S. Constitution. Enforcement of this provision, scheduled to begin in 2008, has been delayed until the lawsuit is decided.

### Sources

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NAME: Denise Keena Barnes  
BORN – Jackson, MI 1955  
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Gladstone High School, Gladstone, MI  
Ferris State College (University), Big Rapids, MI  
EMPLOYMENT: Mackinac Island City Police  
Eaton County Sheriff Department – 1977 to 1989  
State of Michigan – Investigator 1989 - 2010

Fall of 1977 I became a Deputy Sheriff at Eaton County – working patrol, evidence technician, traffic/accident investigations, field training officer, and fraud investigator. December 1989 I went to work for the State of Michigan, Investigator with the Michigan Department of State, assigned to the West side of Michigan. I have lived in Portland, MI, Ionia County for the past 24 yrs, where my husband I have raised our two children.

Having lived and worked in various cities throughout Michigan, I have a perspective of the many cultures, communities and lifestyles. My understanding of Identity Fraud and Identity Theft is based on personal knowledge as a police officer and investigator for over 32 years.

In my opinion House Bill No 4024 “public contract and employment eligibility verification act” and House Bill No 4026 are long overdue. As a resident of Michigan, employee for the State of Michigan, parent of two children with student/college loans, assisting elderly parents, I strongly urge the ratification of the three proposed bills.

Due to my many years as a police officer and an Investigator for the State of Michigan, I saw first hand the abuse and fraudulent acts involved with identity theft and identity fraud. The majority of the fraud cases I investigated were the result of altered or fictitious identity at the starting point of obtaining or creating an identity – the application for an ID or driver license.

I strongly agree with the social security verification procedure. By 2005, many States within the U.S. required applicants for driver licenses and ID's provide valid social security verification. Michigan had not implemented that ID requirement. It was obvious that many fraudulent applications being committed in MI were because Ohio, Indiana and Illinois had strict requirements and Michigan did not. It was common knowledge within certain cultures to come to Michigan, in order to obtain a Michigan ID or Ops. Many individuals and even whole families would travel from as far away as California, Texas, Mexico, Florida and New York.

I learned that newspapers and flyers within non-English speaking communities advertised how to travel to Michigan, buy fraudulent ID documents and make applications for ID's, driver licenses.

I worked on cases where subjects had multiple fraudulent identities, were wanted for various crimes and had dependent children on government assistance – yet the real name of the subject was never known.

I investigated cases of many subjects who were in Michigan illegally, working for cash or on the payroll at businesses using fraudulent names and social security numbers.

I investigated cases within communities that were non-English speaking and even victimized their own culture. These communities exist because there was no law requiring verification for employment. The so-called employees were ‘indentured’ servants to the business owner. This type of mentality permeates many urban multi-cultural cities. These “employees” are victims – victims of fraud, theft, rape, assault, etc. They are not protected by their own and by the State of Michigan. Many are deprived social services, health care and are fearful of law enforcement for protection.

I never once abused or endangered a subject I came into contact with who was an illegal alien. I believed I rescued them from harm. I provided them a safe environment, recommendations, referrals, assistance, etc. I was thanked by many who had been living in fear and were looking for guidance. I worked closely with defense attorneys trying to help mitigate and resolve issues the best way possible.

After 32 years of criminal investigations, I believe assisting or allowing someone to commit a crime does nothing but create victims and criminals. Allowing a subject, contractor, vendor, patron or client to collect money, goods, credit or assistance without verifying is creating an environment of harm for all – those committing the crime and the rest of us that have to pay for it.

When you think of rights and protection – why is telling the truth and claiming your identity a bad thing? Unless you have an ulterior motive such as deception, greed, fraud, or intent to ignore responsibility, providing social security verification in this day and age, post 911, is a way of life - a way of preserving the life my father fought and worked for, and that I defend and worked for.

Thank you Representative Agema, for taking the time to understand this difficult dilemma, doing the right thing, and fighting to make Michigan a safe place to live and work.

Respectfully,  
Denise K. Barnes  
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